## CHAPTER 21<sup>1</sup> CEMETERY

### Article 21-1 GENERAL PROVISIONS

- 21-1-1 Definitions
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- 21-1-3 History of Cemetery
- 21-1-4 Certain Past Transactions Affirmed

#### **Section 21-1-1 Definitions**

- A. "Block" means a division of land containing 4 lots (see "Lot").
- B. "Burial" means the act or ceremony of burying a deceased persons remains.
- C. "Cemetery" shall mean the Louis B. Hazelton Memorial Cemetery.
- D. "Columbarium Niche" means an above-ground memorial for the interment of an urn of cremains.
- E. "Contractor" means any person, firm or corporation engaged in performing any work authorized by the Town of Buckeye in or on the Cemetery grounds, other than Town employees.
- F. "Cremains" means the remains of a cremated deceased person contained in an urn.
- G. "Cremains Plot" means a parcel of land designated for the in-ground interment of an urn of cremains.
- H. "Disinterment" means to take out of the place of interment, exhume or unearth a deceased person's remains.
- I. "Full Plot" means a 4' x 10' parcel of land designated for the interment of up to one remains and one cremains or two urns of cremains.
- J. "Funerals" means ceremonies performed for the deceased person prior to burial or cremation.
- K. "Grave" means a cemetery plot containing the remains of a deceased person.
- L. "Half Plot" means a 4' x 5' parcel of land designated for the interment of up to one infant remains or one urn of cremains.
- M. "Immediate family" means fathers, mothers, husbands, wives, daughters, sons, sisters, brothers, grandchildren and grandparents.
- N. "Interment" means the inurnment, entombment or burial of the deceased person's remains.
- O. "Lot" means a 20' x 20' division of land containing 10 graves/plots.
- P. "Memorial" means a marker, tablet, headstone, tombstone or nameplate.
- Q. "Owner" means owner of rights of interment to a plot.
- R. "Reserved plot" means a plot set aside for future use by a specific person.

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<sup>&</sup>lt;sup>1</sup>Statutory authority for the adoption of this Chapter is set forth in A.R.S. §§ 9-240(11)

- S. "Resident" means a person who has occupied a residence within the Buckeye Valley area.
- T. "Section" means a division of land containing Blocks, Lots and Graves/Plots.

## Section 21-1-2 Purpose

These Cemetery rules and regulations are designed to:

- A. Protect and preserve Cemetery property and the owners' interment rights.
- B. Establish guidelines for properly operating, maintaining and improving the Cemetery property, programs and activities.
- C. Establish rules and regulations governing lawful and unlawful uses and activities at the Cemetery.

### **Section 21-1-3 History of Cemetery**

- A. Cemetery Name
  - 1. In 1938, the American Legion Hazelton-Butler Post #53 and its Auxiliary established the Cemetery.
  - 2. The Cemetery was named the Louis B. Hazelton Memorial Cemetery in memory of the first young man from Buckeye who lost his life in World War I.
  - 3. Due to the length of its name, the Cemetery is usually called the "Buckeye Cemetery".
  - 4. In 1947, the American Legion transferred the Cemetery to the Town of Buckeye.
- B. Cemetery Location

Louis B. Hazelton Memorial Cemetery is located at 23100 West Broadway, between Watson and Rainbow Roads.

### Section 21-1-4 Certain Past Transactions Affirmed

All previous interments are hereby reaffirmed to be legal. Any illegal or irregular transactions with respect to previous plot sales, or plot acquisitions shall be resolved between the Town and any third party.

# Article 21-2 GENERAL PROVISIONS

- A. All persons visiting the Cemetery are reminded that the grounds are sacredly devoted to the burial of deceased persons. Therefore, all local, county, and state laws shall be strictly enforced at the Cemetery.
- B. No person shall permit or perform any of the following activities at the Cemetery:
  - 1. Place pictures, jewelry, toys, shells, glassware, metal designs or similar ornaments, or articles on any memorial or grave.
  - 2. Place wooden or cast iron bench or chair, wooden or wire trellis or any other structure within the Cemetery.
  - 3. Place artificial flowers and potted plants on the ground next to the memorial, these items must be placed on the memorial or headstone.

- 4. Plant flowers, trees, shrubs, or plants within the Cemetery.
- 5. Consume food or intoxicating liquors or illegal substances.
- 6. Pick flowers, shrubs or bushes.
- 7. Break or injure any tree or shrub; or deface any landmark, marker or memorial.
- 8. Be on the grounds before 7:00 a.m. or after dusk.
- 9. Drive vehicles and equipment on Cemetery roadways at a greater speed than ten (10) miles an hour. No vehicles or equipment shall be permitted in the burial areas, except those authorized by the Town.
- 10. Solicit, peddle, or advertise within the Cemetery grounds.
- 11. Allow children to be unsupervised.
- 12. Allow animals in the Cemetery, except for dogs accompanying hearing or visually impaired persons.
- 13. Write upon, deface, or damage walls, monuments, buildings or any other Cemetery property.
- 14. Use profane or boisterous language, or in any way disturb the quiet and good order of the Cemetery.
- 15. Possess firearms within the Cemetery, except for Law Enforcement personnel.
- 16. Hunt on the Cemetery grounds.
- 17. Enclose a plot by a fence, curb, walkway, or borderline of any kind.

## Article 21-3 CEMETERY ADMINISTRATION, OPERATIONS AND MAINTENANCE

- A. The Town of Buckeye, as the owner, is charged with the administration and maintenance of the Cemetery.
- B. It shall be the duty of the director or authorized designee to oversee operations of the Cemetery.
- C. The director or authorized designee may enter into any contractual agreement with third parties to perform all or portions of the Cemetery's day-to-day operation, maintenance, or improvement activities.
- D. The responsibilities of the Town shall include:
  - 1. Prepare gravesite for funeral service.
  - 2. Set monuments, markers and corner stones and grade and maintain roads.
  - Restore settled graves and reset headstones.
  - 4. Repair water lines and spouts.
  - Perform weed control activities.
  - 6. Properly care for and protect all Cemetery landscape.
  - 7. Remove any unsightly or weathered plants or floral arrangements.
  - 8. Regulate the placement of flowers on each grave.

- 9. Discard any plants and/or decorations for maintenance.
- 10. Issue all burial work orders.
- 11. Issue the Certificate of Ownership for plots purchased.
- 12. Maintain current Cemetery records of plot sales, burials and reserved plots.
- E. Town of Buckeye or authorized designee shall not be liable for:
  - 1. Lost, misplaced or broken flower vases, floral pieces, baskets or frames or any other items left on headstones or grave.
  - 2. Damage to any monuments, stones or markers.

# Article 21-4 BURIAL SERVICES

- 21-4-1 Interments
- 21-4-2 Disinterments
- 21-4-3 Resident Requirements

# Section 21-4-1 Interments

- A. All arrangements for interments shall be made directly with the Town.
- B. The Town shall approve the date and time of the interment.
- C. Interment requests shall not be authorized until all fees are paid in full for the plot or without a valid transit permit.
- D. Graveside services or interments shall not be permitted on any Sunday or holiday observed by the Town.
- E. In Cemetery Sections E through Z, caskets shall be enclosed in a concrete box or vault.
- F. The Town shall exercise all reasonable precautions in making any interment or disinterment, but they will be under no liability for damage to any casket, case, urn, memorial, or items placed on memorials or gravesites.
- G. Burials shall:
  - 1. Require a transit permit that must be presented to the Cemetery staff at the time of interment or inurnment.
  - 2. Be scheduled at least two hours apart.
  - 3. Be scheduled at least twenty four (24) hours in advance for Monday-Friday burials.
  - 4. Be scheduled at least forty-eight (48) hours in advance for Saturday burials.
  - 5. Ceremonies conducted at the graveside shall not commence before 9:00 am or extend beyond 4:00 pm. If any ceremonies are scheduled to extend past 4:00 pm, additional services fees will be assessed.
  - 6. No animals shall be buried in the Cemetery.

### Section 21-4-2 Disinterments

No disinterment and removal of human remains will be made without the written authorization from the appropriate County, State or Federal agency.

## Section 21-4-3 Resident Requirements

- A. No person shall be buried in the Cemetery unless that person is a resident of the Buckeye Valley area or a member of the immediate family of a person previously buried in the cemetery.
- B. Special circumstances may arise under which plots may be sold and burials allowed to those not meeting the residency requirements. The director or authorized designee may grant an exception to these rules and regulations.

### Article 21-5 CEMETERY PLOT SALES AND TRANSFERS

- 21-5-1 General Provisions
- 21-5-2 Plot Sales
- 21-5-3 Reserved Plots

#### **Section 21-5-1 General Provisions**

- A. Any and all plot sales and transfers are subject to these Cemetery rules and regulations.
- B. All terms and conditions for plot purchase or transfer shall be by written purchase contract. The director or authorized designee may enter into written contracts for plot purchase or transfer. The Town of Buckeye will not recognize verbal agreements or representations.
- C. No plot sales and transfers shall be performed except by the Town.
- D. No plot shall be sold or transferred to any party other than residents in the Buckeye Valley area or members of their immediately family.
- E. The Town shall have the right to correct any errors that may be made when making interments, disinterments or removals, or in the description, transfer or conveyance of any plot or grave.
- F. Proof of full payment shall be the responsibility of the purchaser.

## Section 21-5-2 Plot Sales

- A. Plots are presumed to be for the owner named in the instrument of conveyance.
- B. Plot sales are identified as:

Full Plot

Half Plot

**Cremains Plot** 

Columbarium Niche

### Section 21-5-3 Reserved Plots

- A. A plot paid in full prior to interment shall be considered to be reserved or set aside for a specific person's interment rights.
- B. Payment plans for reserved plots may be approved by the Town, however all plots must be paid in full within one year of reservation. Any plots not paid in full within one year will revert to the Town.

## Article 21-6 MARKERS AND MEMORIALS

- A. The funeral home or mortuary is required to provide a temporary marker with the name of the deceased, date and mortuary name.
- B. Temporary markers are to remain in place until replaced by a more permanent monument.
- C. The name on any monument or marker must correspond with the Town's records.
- D. Permanent monuments or markers shall be of granite, cast granite, real bronze or such other approved material.
- E. When no permanent monument or marker has been placed on a grave after a period of one year from the date of burial, the Town may install a permanent marker.
- F. Should any marker or memorial become unsightly, dilapidated or a menace to the safety of visitors, the Town shall correct the condition, or remove the same, at the expense of the plot owner.
- G. The Town or its designated contractor shall set all monuments and headstones. Fees shall be set by Resolution of the Town Council.
- H. In Cemetery Sections A-Z, all memorials, markers or headstones will be set at grade with the ground to allow mowers and other equipment to pass over. No up-right memorials will be allowed.
- I. The Town reserves the right to remove any and all structures or monuments placed at the Cemetery which do not comply with Town standards. The owner of the structure will be responsible for any cost incurred for the removal.
- J. Maximum headstone size for full and half plots shall be:

Single Headstone: 28 inches by 16 inches; Double Headstone: 40 inches by 16 inches.

# Article 21-7 FEES, CHARGES AND INSTALLMENT PAYMENTS

- 21-7-1 General Provisions
- 21-7-2 Installment Plan
- 21-7-3 Refund

# Section 21-7-1 General Provisions

The Town Council, by Resolution, shall adopt fee schedules for the following services:

- A. Plot purchase
- B. Interments (opening and closing)
- C. Disinterments
- D. Expansion fees
- E. Marker or memorial installation or repair

# Section 21-7-2 Installment Plan

- **A.** The Town may allow for plots to be purchased on a monthly payment plan not to exceed twelve (12) monthly payments.
- B. The purchaser shall sign an installment agreement setting forth the minimum amount of each monthly payment required to be paid by purchaser. The director or authorized designee may approve the purchaser's installment agreement for the payment of the purchase of a plot. When the plot is paid in full, the purchaser shall receive a Certificate of Ownership.
- C. If multiple plots are purchased, a separate payment shall be required for each plot reserved.
- D. If full payment of the plot or plots is not received within one year of the reservation as approved by the Town, the plot or plots will automatically revert back to the Town for resale. Any monies previously collected from the purchaser will be forfeited to the Town. A notice will be sent to the purchaser thirty days before the reservation period ends notifying the purchaser that the plot must be paid in full, otherwise ownership will be forfeited to the Town.
- E. If additional services, such as internment fees (open/close) and marker installation are not paid for during the reservation period, the purchaser will be charged the current Town Council adopted rate.
- **F.** The Town will not send a monthly request for payment. It is the purchaser's responsibility to make timely payments in accordance with the Town-approved installment agreement.

#### Section 21-7-3 Refund

The director or authorized designee may authorize a refund to the owner or purchaser to buy back the plot or plots. The refund shall not exceed the original purchase price.

## **Section 21-8 ENFORCEMENT**

Penalty. A violation of any provision of this Chapter shall be a civil offense and subject to civil penalties. A person found to be responsible for a violation of any provision of this Chapter shall be subject to civil penalties in an amount not less than one hundred fifty dollars (\$150.00) and not exceeding two thousand five hundred dollars (\$2,500.00) for a first offense, not less than three hundred dollars (\$300.00) and not exceeding two thousand five hundred dollars (\$2,500.00) for a second offense, and not less than five hundred dollars (\$500.00) and not exceeding two thousand five hundred dollars (\$2,500.00) for a third and subsequent offense. Each day that a violation continues shall constitute a separate civil offense.